

Attorney Docket: 02382  
U.S. Application No.: 10/699,294 Examiner: Lai Art Unit: 2157  
Response to September 9, 2008 Office Action

### **REMARKS**

In response to the Office Action dated April 15, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-33 are pending in this application.

#### **Rejections under § 101**

The Office rejected claims 1-10 and 16-21 under 35 U.S.C. § 101 for allegedly claiming non-statutory subject matter. Independent claims 1 and 16, however, have been amended and now recite hardware components. The Office is thus respectfully requested to re-examine claims 1-10 and 16-21.

#### **Rejection of Claims Under § 102 (e)**

The Office rejects claims 1-33 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,526,581 to Edson. A claim, however, is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P.").

Claims 1-33, however, are not anticipated by *Edson*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Edson*. Independent claim 1, for example, recites "*the management module instructing a frequency demultiplexer to demultiplex a received multi-frequency signal into separate frequency components, the management module determining an output port in a router based on a destination address, and the management module choosing a network adapter based on the output port and on a frequency of at least one component signal of the multi-frequency signal.*" Support for such features may be found at least

in the as-filed application at paragraphs [0011], [0021], and [0035]. Independent claim 1 is reproduced below.

1. A system providing network topology and bandwidth management comprising:

a connection module, said connection module capable of accepting inputs and providing outputs to various types of voice and non-voice data networks; and

a management module, said management module cooperating with the connection module to accept data from said voice and non-voice data networks for routing, the management module instructing a frequency demultiplexer to demultiplex a received multi-frequency signal into separate frequency components, the management module determining an output port in a router based on a destination address, and the management module choosing a network adapter based on the output port and on a frequency of at least one component signal of the multi-frequency signal.

*Edson* cannot anticipate all these features. *Edson* discloses a gateway that interfaces between one or more external communications and one or more internal, in-home networks. See U.S. Patent 6,526,581 to *Edson* at column 3, lines 25-30 and at column 4, lines 30-35. The gateway includes interface cards to internal, in-home networks, such as HPNA, powerline, wireless, and Ethernet networks. See *id.* at column 10, lines 45-60. The gateway is configurable via a browser and web pages. See *id.* at column 11, lines 30-32. Still, though, *Edson* fails to teach or suggest “instructing a frequency demultiplexer to demultiplex a received multi-frequency signal into separate frequency components, the management module determining an output port in a router based on a destination address, and the management module choosing a network adapter based on the output port and on a frequency of at least one component signal of the multi-frequency signal.” The patent to *Edson*, then, cannot anticipate independent claim 1.

Independent claims 11, 16, 22, and 28 recite even more distinguishing features. Independent claim 11, for example, recites “separating telephony signals from digital subscriber line signals using a frequency demultiplexer” and “separately sending the telephony signals and the digital subscriber line signals to a frequency crossbar.” Support for these features may be found at least in the as-filed application at paragraphs [0034] and [0035]. Independent claim 11

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also recites "*bridging the telephony signals in the frequency crossbar to a telephony output port*" and "*bridging the digital subscriber line signals in the frequency crossbar to a multi-frequency path associated with an output port to a modem.*" Support for these features may be found at least in the as-filed application at paragraphs [0036] and [0037]. Independent claim 11 also recites "*sending the digital subscriber line signals from the modem to an Ethernet output port.*" Support for these features may be found at least in the as-filed application at paragraph [0039] and at FIG. 5. Independent claims 16, 22, and 28 recite similar features. Because *Edson* is silent to at least all these features, *Edson* also cannot anticipate independent claims 11, 16, 22, and 28.

Claims 1-33, then, are not anticipated by *Edson*. Independent claims 1, 11, 16, 22, and 28 recite many distinguishing features that are not taught or suggested by *Edson*. Their respective dependent claims incorporate these distinguishing features and recite additional features. *Edson*, then, cannot anticipate claims 1-33, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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